

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

KEVIN LAWSON	)	
	)	
v.	)	CASE NO. 2:20-CV-288-WKW
	)	[WO]
UNITED STATES OF AMERICA	)	

**ORDER**

Before the court is Plaintiff's notice of interlocutory appeal (Doc. # 30) of the order denying his motion for recusal. Plaintiff has also filed two separate motions related to his notice of interlocutory appeal: (1) motion to appoint counsel under 18 U.S.C. § 3006A, which is construed as a motion to appoint counsel on appeal (Doc. # 37); and (2) motion for leave to appeal *in forma pauperis* (Doc. # 38).

Because the order (Doc. # 28) from which Plaintiff appeals is not a final judgment, *see* 28 U.S.C. § 1291, and is not subject to an interlocutory appeal under 28 U.S.C. § 1292(a), the notice of appeal (Doc. # 30) is construed as containing a motion to certify a question for interlocutory appeal pursuant to 18 U.S.C. § 1292(b). Section 1292(b) provides that "[w]hen a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such

order.” For the reasons set out in the order denying his motion to recuse (Doc. # 28), the questions involved in Plaintiff’s appeal do not meet the standard for certifying a question for interlocutory appeal.

Accordingly, it is ORDERED as follows:

(1) Plaintiff’s motion to certify a question for interlocutory appeal (Doc. # 30) is denied;

(2) Plaintiff’s motion to appoint appellate counsel (Doc. # 37) is DENIED as moot; and

(3) Plaintiff’s motion for leave to appeal *in forma pauperis* (Doc. # 38) is DENIED as moot.

DONE this 14th day of December, 2020.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE